

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

ANTHONY ROBINSON

PLAINTIFF

V.

NO. 3:21-CV-00193-MPM-JMV

UNITED STATES OF AMERICA, et al.

DEFENDANTS

ORDER CLOSING CIVIL CASE AND DIRECTING
THAT PLEADINGS BE FILED IN CRIMINAL CASE

Plaintiff Anthony Robinson, proceeding *pro se*, initiated the instant civil rights action by filing a complaint in the District Court for the Western District of Texas. Doc. # 10. The Western District of Texas, after having found that Robinson's complaint was actually a request for relief from his conviction and sentence entered in this Court, *see* 3:19-CR-00099-DMB-DAS, transferred the cause to this District. Doc. # 8. The transferring court specifically found that Robinson's complaint should have been filed as a Motion for Compassionate Release or a Motion for Reduction in Sentence under 18 U.S.C. § 3582(c)(1)(A). *See id.*

Upon careful consideration of Robinson's submissions, this Court agrees with the transferring court. In his complaint, Robinson includes a handwritten "Request for Compassionate Release." Doc. # 10, p. 12. As to requested relief, Robinson asks the Court "to see that [he is] processed, given the extraordinar[y] & compelling circumstances, for RIS (time served)." *Id.* at 4. Robinson also includes a copy of the "Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582 and 4205(g)." *Id.* at 8-11. Robinson additionally attached a copy of a "response to [his] request for a Reduction in Sentence (RIS) based on concerns about COVID-19" from the Warden at the correctional facility in which he is confined. *Id.* at 7.

In sum, although Robinson initiated this action by filing a civil rights complaint, because of the nature of the relief requested, i.e. a reduction in sentence, he should have moved for relief under 18 U.S.C. § 3582, as that is the only appropriate procedure through which to obtain the relief he seeks. It is, therefore, **ORDERED** that:

- (1) The Clerk of Court is **DIRECTED** to **CLOSE** this civil case; and
- (2) The Clerk of Court is further **DIRECTED** to re-file Robinson's pleadings from this civil case as a Motion for Compassionate Release and/or Motion for Reduction in Sentence under 18 U.S.C. § 3582 in Robinson's criminal matter before this Court, No. 3:19-CR-00099-DMB-DAS.

This, the 1st day of September 2021.

/s/Michael P. Mills
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI